

SECOND REGULAR SESSION

# SENATE BILL NO. 1251

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR DOLAN.

Read 1st time February 12, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4125S.04I

## AN ACT

To repeal sections 301.055, 301.057, 301.058, 301.130, 307.350, and 307.365, RSMo, and to enact in lieu thereof nine new sections relating to motor vehicles, with a contingent effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 301.055, 301.057, 301.058, 301.130, 307.350, and 307.365 RSMo, are repealed and nine new sections enacted in lieu thereof, to be known as sections 43.027, 301.055, 301.056, 301.057, 301.058, 301.130, 307.350, 307.365, and 307.383, to read as follows:

**43.027. There is hereby created in the state treasury the "State Highway Patrol Safety Fund". All funds received from registered motor vehicle owners pursuant to section 301.056 and any funds received pursuant to subsection 6 of section 30(b) of article IV of the constitution shall be credited to the state highway patrol safety fund. The state treasurer shall also deposit to the credit of the fund all moneys which may be appropriated to it by the general assembly and also any gifts, contributions, grants, bequests or other aid received from federal, private or other sources. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the state highway patrol safety fund shall not revert to the general revenue fund. All interest received on the state highway patrol safety fund shall be credited to the fund. Moneys in the fund, upon appropriation, shall be used for the purpose of administering and enforcing state laws or regulations.**

301.055. The annual registration fee for **passenger** motor vehicles [other than commercial motor vehicles is:

Less than 12 horsepower .....	\$18.00
12 horsepower and less than 24 horsepower .....	21.00

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

24 horsepower and less than 36 horsepower . . . . .	24.00
36 horsepower and less than 48 horsepower . . . . .	33.00
48 horsepower and less than 60 horsepower . . . . .	39.00
60 horsepower and less than 72 horsepower . . . . .	45.00
72 horsepower and more . . . . .	51.00]

**and trucks having a gross weight of twelve thousand pounds or less shall be \$29.75**

Motorcycles . . . . . 8.50

Motortricycles . . . . . 10.00

**301.056. Beginning July 1, 2005, an additional fee of six dollars in the case of annual registration, or twelve dollars, in the case of biennial registration, shall accompany the application for the registration of a motor vehicle which is exempt from the biennial motor vehicle inspection pursuant to subsection 1 of section 307.350, RSMo. All fees collected pursuant to this section shall be credited to the state highway patrol safety enforcement fund as established in section 43.027, RSMo.**

301.057. The annual registration fee for property-carrying commercial motor vehicles, not including property-carrying local commercial motor vehicles, or land improvement contractors' commercial motor vehicles, based on gross weight is:

[6,000 pounds and under . . . . .	\$ 25.50
6,001 pounds to 9,000 pounds . . . . .	38.00
9,001 pounds to 12,000 pounds . . . . .	38.00]
12,001 pounds to 18,000 pounds . . . . .	63.00
18,001 pounds to 24,000 pounds . . . . .	100.50
24,001 pounds to 26,000 pounds . . . . .	127.00
26,001 pounds to 30,000 pounds . . . . .	180.00
30,001 pounds to 36,000 pounds . . . . .	275.50
36,001 pounds to 42,000 pounds . . . . .	413.00
42,001 pounds to 48,000 pounds . . . . .	550.50
48,001 pounds to 54,000 pounds . . . . .	688.00
54,001 pounds to 60,010 pounds . . . . .	825.50
60,011 pounds to 66,000 pounds . . . . .	100.50
66,001 pounds to 73,280 pounds . . . . .	375.50
73,281 pounds to 78,000 pounds . . . . .	650.50
78,001 pounds to 80,000 pounds . . . . .	719.50

301.058. 1. The annual registration fee for property-carrying local commercial motor vehicles, other than a land improvement contractors' commercial motor vehicles, based on gross weight is:

[6,000 pounds and under . . . . .	\$ 15.50
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6,001 pounds to 12,000 pounds	18.00]
12,001 pounds to 18,000 pounds	20.50
18,001 pounds to 24,000 pounds	27.50
24,001 pounds to 26,000 pounds	33.50
26,001 pounds to 30,000 pounds	45.50
30,001 pounds to 36,000 pounds	67.50
36,001 pounds to 42,000 pounds	100.50
42,001 pounds to 48,000 pounds	135.50
48,001 pounds to 54,000 pounds	170.50
54,001 pounds to 60,010 pounds	200.50
60,011 pounds to 66,000 pounds	270.50
66,001 pounds to 72,000 pounds	335.50
72,001 pounds to 80,000 pounds	350.50

2. Any person found to have improperly registered a motor vehicle in excess of fifty-four thousand pounds when he or she was not entitled to shall be required to purchase the proper license plates and, in addition to all other penalties provided by law, shall be subject to the annual registration fee for the full calendar year for the vehicle's gross weight as prescribed in section 301.057.

301.130. 1. The director of revenue, upon receipt of a proper application for registration, required fees and any other information which may be required by law, shall issue to the applicant a certificate of registration in such manner and form as the director of revenue may prescribe and a set of license plates, or other evidence of registration, as provided by this section. Each set of license plates shall bear the name or abbreviated name of this state, the words "SHOW-ME STATE", the month and year in which the registration shall expire, and an arrangement of numbers or letters, or both, as shall be assigned from year to year by the director of revenue. The plates shall also contain fully reflective material with a common color scheme and design for each type of license plate issued pursuant to this chapter. The plates shall be clearly visible at night, and shall be aesthetically attractive. Special plates for qualified disabled veterans will have the "DISABLED VETERAN" wording on the license plates in preference to the words "SHOW-ME STATE" and special plates for members of the national guard will have the "NATIONAL GUARD" wording in preference to the words "SHOW-ME STATE".

2. The arrangement of letters and numbers of license plates shall be uniform throughout each classification of registration. The director may provide for the arrangement of the numbers in groups or otherwise, and for other distinguishing marks on the plates.

3. All property-carrying commercial motor vehicles to be registered at a gross weight in excess of twelve thousand pounds, all passenger-carrying commercial motor vehicles, local transit buses, school buses, trailers, semitrailers, motorcycles, motortricycles, motorscooters

and driveaway vehicles shall be registered with the director of revenue as provided for in subsection 3 of section 301.030, but only one license plate shall be issued for each such vehicle except as provided in this subsection. The applicant for registration of any property-carrying commercial motor vehicle may request and be issued two license plates for such vehicle, and if such plates are issued the director of revenue may assess and collect an additional charge from the applicant in an amount not to exceed the fee prescribed for personalized license plates in subsection 1 of section 301.144.

4. The plates issued to manufacturers and dealers shall bear the letter "D" preceding the number, and the director may place upon the plates other letters or marks to distinguish commercial motor vehicles and trailers and other types of motor vehicles.

5. No motor vehicle or trailer shall be operated on any highway of this state unless it shall have displayed thereon the license plate or set of license plates issued by the director of revenue and authorized by section 301.140. Each such plate shall be securely fastened to the motor vehicle in a manner so that all parts thereof shall be plainly visible and reasonably clean so that the reflective qualities thereof are not impaired. License plates shall be fastened to all motor vehicles except trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds on the front and rear of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up. The license plates on trailers, motorcycles, motortricycles and motorscooters shall be displayed on the rear of such vehicles, with the letters and numbers thereon right side up. The license plate on buses, other than school buses, and on trucks, tractors, truck tractors or truck-tractors licensed in excess of twelve thousand pounds shall be displayed on the front of such vehicles not less than eight nor more than forty-eight inches above the ground, with the letters and numbers thereon right side up or if two plates are issued for the vehicle pursuant to subsection 5 of this section, displayed in the same manner on the front and rear of such vehicles. The license plate or plates authorized by section 301.140, when properly attached, shall be prima facie evidence that the required fees have been paid.

6. (1) The director of revenue shall issue annually a tab or set of tabs as evidence of the annual payment of registration fees and the current registration of a vehicle in lieu of the set of plates.

(2) The vehicle owner to whom a tab or set of tabs is issued shall affix and display such tab or tabs in the designated area of the license plate, no more than one per plate.

(3) A tab or set of tabs issued by the director when attached to a vehicle in the prescribed manner shall be prima facie evidence that the registration fee for such vehicle has been paid.

(4) Except as provided in subdivision (1) of this subsection, the director of revenue shall issue plates for a period of at least five years.

(5) For those commercial motor vehicles and trailers registered pursuant to section

301.041, the plate issued by the director of revenue shall be a permanent nonexpiring license plate for which no tabs shall be issued. Nothing in this section shall relieve the owner of any vehicle permanently registered pursuant to this section from the obligation to pay the annual registration fee due for the vehicle. The permanent nonexpiring license plate shall be returned to the director of revenue upon the sale or disposal of the vehicle by the owner to whom the permanent nonexpiring license plate is issued, or the plate may be transferred to a replacement commercial motor vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement commercial motor vehicle. Upon payment of the annual registration fee, the director of revenue shall issue a certificate of registration or other suitable evidence of payment of the annual fee, and such evidence of payment shall be carried at all times in the vehicle for which it is issued.

(6) Upon the sale or disposal of any vehicle permanently registered under this section, or upon the termination of a lease of any such vehicle, the permanent nonexpiring plate issued for such vehicle shall be returned to the director and shall not be valid for operation of such vehicle, or the plate may be transferred to a replacement vehicle when the owner files a supplemental application with the Missouri highway reciprocity commission for the registration of such replacement vehicle. If a vehicle which is permanently registered under this section is sold, wrecked or otherwise disposed of, or the lease terminated, the registrant shall be given credit for any unused portion of the annual registration fee when the vehicle is replaced by the purchase or lease of another vehicle during the registration year.

7. The director of revenue may prescribe rules and regulations for the effective administration of this section. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

8. Notwithstanding the provisions of any other law to the contrary, owners of motor vehicles other than apportioned motor vehicles or commercial motor vehicles licensed in excess of eighteen thousand pounds gross weight may apply for special personalized license plates. Vehicles licensed for eighteen thousand pounds that display special personalized license plates shall be subject to the provisions of subsections 1 and 2 of section 301.030.

**9. Commencing January 1, 2006, and on each sixth anniversary thereafter, the director shall cause to be reissued a new license plate of such design as directed by the director consistent with the terms, conditions, and provisions of this section and this chapter. Except as otherwise provided in this section, in addition to all other fees required by law, applicants for registration of vehicles with license plates that expire between January 1, 2006, and December 31, 2007, applicants for registration of trailers or semitrailers with license plates that expire between January 1, 2006, and December 31, 2007, and applicants for registration**

of vehicles that are to be issued new license plates shall pay an additional fee of up to two dollars and twenty-five cents, based on the actual cost of the reissuance, to cover the cost of the newly reissued plates required by this subsection. These fees may be assessed every sixth anniversary thereafter and the fees may be increased to account for inflation, but shall not be higher than the actual cost of reissuance. Notwithstanding the provisions of subsection 3 of section 301.067 to the contrary, every license plate for a trailer or semitrailer which is permanently registered under subsection 3 of section 301.067 shall be returned to the director of revenue between January 1, 2006, and December 31, 2006, and a license plate which conforms to the provisions of this subsection issued as a replacement plate upon the payment of a one dollar and fifteen cent fee per plate prescribed by this subsection. The additional fee, based on the actual cost, prescribed by this subsection shall only be one dollar and fifteen cents for issuance of one new plate for vehicles requiring only one license plate pursuant to this section. The additional fee of two dollars and twenty-five cents prescribed in this subsection shall not be charged to persons receiving special license plates issued under section 301.073 or 301.443.

307.350. 1. The owner of every motor vehicle as defined in section 301.010, RSMo, which is required to be registered in this state, except:

(1) New motor vehicles which have not been previously titled and registered, for the two-year period following their model year of manufacture;

(2) Those motor vehicles which are engaged in interstate commerce and are proportionately registered in this state with the Missouri highway reciprocity commission, although the owner may request that such vehicle be inspected by an official inspection station, and a peace officer may stop and inspect such vehicles to determine whether the mechanical condition is in compliance with the safety regulations established by the United States Department of Transportation; [and]

(3) Historic motor vehicles registered pursuant to section 301.131, RSMo; and

**(4) Passenger motor vehicles, motorcycles, motortricycles, and trucks having a gross weight of twelve thousand pounds or less, but not including those motor vehicles required to be inspected pursuant to section 307.380;**

shall submit such vehicles to a biennial inspection of their mechanism and equipment in accordance with the provisions of sections 307.350 to 307.390 and obtain a certificate of inspection and approval and a sticker, seal, or other device from a duly authorized official inspection station. The inspection, except the inspection of school buses which shall be made at the time provided in section 307.375, shall be made at the time prescribed in the rules and regulations issued by the superintendent of the Missouri state highway patrol; but the inspection of a vehicle shall not be made more than sixty days prior to the date of application

for registration or within sixty days of when a vehicle's registration is transferred. Any vehicle manufactured as an even-numbered model year vehicle shall be inspected and approved pursuant to the safety inspection program established pursuant to sections 307.350 to 307.390 in each even-numbered calendar year and any such vehicle manufactured as an odd-numbered model year vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390 in each odd-numbered year. The certificate of inspection and approval shall be a sticker, seal, or other device or combination thereof, as the superintendent of the Missouri state highway patrol prescribes by regulation and shall be displayed upon the motor vehicle or trailer as prescribed by the regulations established by him. The replacement of certificates of inspection and approval which are lost or destroyed shall be made by the superintendent of the Missouri state highway patrol under regulations prescribed by him.

2. For the purpose of obtaining an inspection only, it shall be lawful to operate a vehicle over the most direct route between the owner's usual place of residence and an inspection station of such owner's choice, notwithstanding the fact that the vehicle does not have a current state registration license. It shall also be lawful to operate such a vehicle from an inspection station to another place where repairs may be made and to return the vehicle to the inspection station notwithstanding the absence of a current state registration license.

3. No person whose motor vehicle was duly inspected and approved as provided in this section shall be required to have the same motor vehicle again inspected and approved for the sole reason that such person wishes to obtain a set of any special personalized license plates available pursuant to section 301.144, RSMo, or a set of any license plates available pursuant to section 301.142, RSMo, prior to the expiration date of such motor vehicle's current registration.

4. Notwithstanding the provisions of section 307.390, violation of this section shall be deemed an infraction.

307.365. 1. No permit for an official inspection station shall be assigned or transferred or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated. The superintendent of the Missouri state highway patrol shall design and furnish each official inspection station, at no cost, one official sign made of metal or other durable material to be displayed in a conspicuous location to designate the station as an official inspection station. Additional signs may be obtained by an official inspection station for a fee equal to the cost to the state. Each inspection station shall also be supplied with one or more posters which must be displayed in a conspicuous location at the place of inspection and which informs the public that required repairs or corrections need not be made at the inspection station.

2. No person operating an official inspection station pursuant to the provisions of sections 307.350 to 307.390 may issue a certificate of inspection and approval for any vehicle

except upon an official form furnished by the superintendent of the Missouri state highway patrol for that purpose and only after inspecting the vehicle and determining that its brakes, lighting equipment, signaling devices, steering mechanisms, horns, mirrors, windshield wipers, tires, wheels, exhaust system, glazing, air pollution control devices, fuel system and any other safety equipment as required by the state are in proper condition and adjustment to be operated upon the public highways of this state with safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways, as provided by sections 307.350 to 307.390 and the regulations prescribed by the superintendent of the Missouri state highway patrol. Brakes may be inspected for safety by means of visual inspection or computerized brake testing. No person operating an official inspection station shall furnish, loan, give or sell a certificate of inspection and approval to any other person except those entitled to receive it under provisions of sections 307.350 to 307.390. No person shall have in such person's possession any certificate of inspection and approval and/or inspection sticker with knowledge that the certificate and/or inspection sticker has been illegally purchased, stolen or counterfeited.

3. The superintendent of the Missouri state highway patrol may require officially designated stations to furnish reports upon forms furnished by the superintendent for that purpose as the superintendent considers reasonably necessary for the proper and efficient administration of sections 307.350 to 307.390.

4. If, upon inspection, defects or unsafe conditions are found, the owner may correct them or shall have them corrected at any place the owner chooses within twenty days after the defect or unsafe condition is found, and shall have the right to remove the vehicle to such place for correction, but before the vehicle is operated thereafter upon the public highways of this state, a certificate of inspection and approval must be obtained. The inspecting personnel of the official inspection station must inform the owner that the corrections need not be made at the inspection station.

5. A fee, not to exceed twelve dollars, as determined by each official inspection station, may be charged by an official inspection station for each official inspection including the issuance of the certificate of inspection and approval, sticker, seal or other device and a total fee, not to exceed ten dollars, as determined by each official inspection station, may be charged for an official inspection of a trailer or motorcycle, which shall include the issuance of the certificate of inspection and approval, sticker, seal or other device. Such fee shall be conspicuously posted on the premises of each such official inspection station. No owner shall be charged an additional inspection fee upon having corrected defects or unsafe conditions found in an inspection completed within the previous twenty consecutive days, excluding Saturdays, Sundays and holidays, if such follow-up inspection is made by the station making the initial inspection. Every inspection for which a fee is charged shall be a complete inspection, and upon completion of the inspection, if any defects are found the owner of the



vehicle shall be furnished a list of the defects and a receipt for the fee paid for the inspection. If the owner of a vehicle decides to have any necessary repairs or corrections made at the official inspection station, the owner shall be furnished a written estimate of the cost of such repairs before such repairs or corrections are made by the official inspection station. The written estimate shall have plainly written upon it that the owner understands that the corrections need not be made by the official inspection station and shall have a signature line for the owner. The owner must sign below the statement on the signature line before any repairs are made.

6. Certificates of inspection and approval, sticker, seal or other device shall be purchased by the official inspection stations from the superintendent of the Missouri state highway patrol. The superintendent of the Missouri state highway patrol shall collect a fee of one dollar and fifty cents for each certificate of inspection, sticker, seal or other device issued to the official inspection stations, except that no charge shall be made for certificates of inspection, sticker, seal or other device issued to official inspection stations operated by governmental entities. **If a constitutional amendment is approved by the voters authorizing a separate dedicated funding source to be established for the highway patrol, official inspection stations shall only have until the beginning of the fiscal year following voter approval of the constitutional amendment to seek a refund for any unused inspection stickers.** All fees collected shall be deposited in the state treasury with one dollar of each fee collected credited to the state highway fund and, for the purpose of administering and enforcing the state motor vehicle laws and traffic regulations, fifty cents credited to the "Highway Patrol Inspection Fund" which is hereby created. The moneys collected and deposited in the highway patrol inspection fund shall be expended subject to appropriations by the general assembly for the administration and enforcement of sections 307.350 to 307.390 by the Missouri state highway patrol. The unexpended balance in the fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years shall be transferred to the state road fund, and the provisions of section 33.080, RSMo, relating to the transfer of funds to the general revenue fund at the end of the biennium, shall not apply to the fund.

7. The owner or operator of any inspection station who discontinues operation during the period that a station permit is valid or whose station permit is suspended or revoked shall return all official signs and posters and any current unused inspection stickers, seals or other devices to the superintendent of the Missouri state highway patrol and shall receive a full refund on request except for official signs and posters, provided the request is made during the calendar year or within sixty days thereafter in the manner prescribed by the superintendent of the Missouri state highway patrol. Stations which have a valid permit shall exchange unused previous year issue inspection stickers and/or decals for an identical number of current year issue, provided the unused stickers and/or decals are submitted for

exchange not later than April thirtieth of the current calendar year, in the manner prescribed by the superintendent of the Missouri state highway patrol.

**307.383. 1. Missouri highway patrol officers, upon evidence that any motor vehicle is being operated in nonconformance or in violation of any provision of this chapter, or is in a condition that is unsafe and an endangerment to the driver, other occupants, or any person on the highway, may require the driver of the motor vehicle to stop and submit to an inspection of the motor vehicle. No person driving a motor vehicle shall refuse to submit such vehicle to an inspection and test when required to do so by a member of the Missouri state highway patrol.**

**2. If the highway patrol officer determines that the motor vehicle is in an unsafe condition or any required part or equipment is not present or is not in proper repair and adjustment, the officer shall give a written notice to the driver. The highway patrol officer shall retain the original of the notice. The notice shall state that the vehicle is required to be placed in safe condition and that the vehicle's equipment is required to be properly repaired and adjusted. The notification shall clearly designate the provision of this chapter that is being violated. The owner or operator of the motor vehicle shall, within ten days, have the unsafe condition repaired and obtain a certificate of inspection from a duly authorized inspection station certifying that the motor vehicle may be properly operated upon the public highways of this state with respect to the safety to the driver or operator, other occupants therein, as well as other persons and property upon the highways. The owner or operator of the motor vehicle shall forward a copy of the official certificate of inspection to the Missouri state highway patrol.**

**3. If the owner or operator of the motor vehicle does not forward a copy of the official certificate of inspection to the Missouri state highway patrol within thirty days, the superintendent of the Missouri state highway patrol shall notify the director of revenue and the director of revenue shall suspend the registration of the motor vehicle.**

**4. The director of the department of public safety shall prescribe the form and content of the notice required by this section.**

**5. As used in this section, an "unsafe condition" shall include, but not be limited to, the following:**

- (1) Defective brakes;**
- (2) A shattered windshield that obstructs the driver's view;**
- (3) Tires with either exposed cord or metal wire; or**
- (4) No display of lighting to either the front or rear of the motor vehicle when lights are required.**

Section B. The repeal and reenactment of sections 301.055, 301.057, 301.058, 307.350,

and 307.365, and the enactment of sections 43.027 and 301.056 shall become effective July 1, 2005, only upon approval by the voters of an amendment to Article IV, Constitution of Missouri, authorizing the establishment of a dedicated funding source, unencumbered by the constitutional restraints of Article IV, Sections 30(a) and 30(b), to fund the administration and enforcement of state laws and regulations by the state highway patrol.

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